

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document # _____

United States of America

USCA NO. 08-3364-cr

-v-

SDNY NO. 07-cr-485

JUDGE: Breen

DATE: 8/5/08

Kevin Brown

INDEX TO THE RECORD ON APPEAL

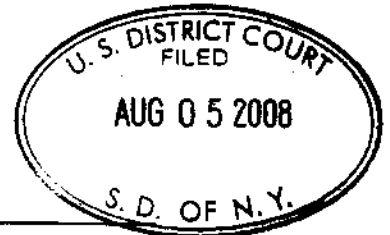
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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

Only Circled Documents Included

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 5th Day of Aug, 2008.

**United States District Court for
the Southern District of New York**

Date: 8/5/08

United States of America

U.S.C.A. # 08-3364-CR

U.S.D.C. # 07-cr-485

-v-

D.C. JUDGE: Baer

Kevin Brown

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 27, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 5th Day of Aug In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233RD year.

J. Michael McMahon, Clerk

By

[Signature]
Deputy Clerk

APPEAL, CLOSED, ECF, PRIOR

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:07-cr-00485-HB-1
Internal Use Only

Case title: USA v. Brown
 Magistrate judge case number: 1:07-mj-00523-UA

Date Filed: 05/30/2007
 Date Terminated: 06/25/2008

Date Filed	#	Docket Text
04/05/2007	1	COMPLAINT as to Kevin Brown (1) in violation of 18 U.S.C. 2250. (Signed by Judge Douglas F. Eaton) (gq) [1:07-mj-00523-UA] (Entered: 04/06/2007)
05/09/2007		Arrest of Kevin Brown. (dif) [1:07-mj-00523-UA] (Entered: 05/11/2007)
05/10/2007	3	Rule 5(c)(3) Documents Received as to Kevin Brown from the U.S.D.C. District of New Jersey. (gq) [1:07-mj-00523-UA] (Entered: 05/10/2007)
05/10/2007	4	CJA 23 Financial Affidavit by Kevin Brown. (Signed by Judge Michael H. Dolinger) (dif) [1:07-mj-00523-UA] (Entered: 05/11/2007)
05/10/2007	5	NOTICE OF ATTORNEY APPEARANCE: Federal Defender Christopher Flood appearing for Kevin Brown. (dif) [1:07-mj-00523-UA] (Entered: 05/11/2007)
05/10/2007	5	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Kevin Brown. Christopher Aaron Flood for Kevin Brown appointed.. (Signed by Judge Michael H. Dolinger on 5/10/2007)(dif) [1:07-mj-00523-UA] (Entered: 05/11/2007)
05/10/2007		Minute Entry for proceedings held before Judge Michael H. Dolinger :Initial Appearance as to Kevin Brown held on 5/10/2007., with Federal Defender Christopher Flood and AUSA Jenna Dabbs for the government. Detention on Consent w/o Prejudice; Preliminary Examination set for 5/30/2007 10:00 AM before Judge Unassigned. (dif) [1:07-mj-00523-UA] (Entered: 05/11/2007)
05/30/2007	6	INFORMATION (Misdemeanor) filed as to Kevin Brown (1) count(s) 1. (jm) (Entered: 05/31/2007)
05/30/2007		Case Designated ECF as to Kevin Brown. (jm) (Entered: 05/31/2007)
06/06/2007		Minute Entry for proceedings held before Judge Gabriel W. Gorenstein :Status Conference on Disposition Sheet as to Kevin Brown held on 6/6/2007. Travel restricted to SDNY/EDNY/DNJ; Surrender travel documents (& No new applications), Regular pretrial, Deft to be released upon following conditions: Deft to register with sex offender until within 72 hours. Case wheeled out to Judge Baer) (NG consent to MJ). (jw) (Entered: 06/08/2007)
06/06/2007	8	ADVICE OF PENALTIES AND SANCTIONS as to Kevin Brown. (jw) Additional attachment(s) added on 6/8/2007 (Wells, Johnette). (Entered: 06/08/2007)
06/27/2007	9	ENDORSED LETTER as to Kevin Brown addressed to Judge Baer from AUSA Jenna M. Dabbs dated 6/14/07 re: submitted to request that the Court exclude time, pursuant to Title 18 USC Section 3161(h)(8)(A), until the next scheduled conference on 6/28/07 at 11:00 a.m. ENDORSEMENT: So Ordered. (Signed by Judge Harold Baer on 6/27/07)(bw) (Entered: 06/28/2007)
06/27/2007		Set/Reset Hearings as to Kevin Brown: Pretrial Conference set for 6/28/2007 at 11:00 AM before Judge Harold Baer. (bw) (Entered: 06/28/2007)
07/19/2007		Minute Entry for proceedings held before Judge Harold Baer :Pretrial Conference as to Kevin Brown held on 7/19/2007. Dft Kevin Brown pres w/atty Chris Flood. AUSA Jenna Dabbs pres. Crt rpttr pres. Fully briefed motions due 9/17/07. T/E until 9/20/07. Bail cont'd as set. Motions due by 9/17/2007. Oral Argument set for 9/20/2007 at 11:30 AM before Judge Harold Baer. (Court Reporter Carol Ganley) (ja) (Entered: 07/23/2007)
08/03/2007	10	FIRST MOTION for Extension of Time to File Motion to Dismiss. Document filed by Kevin Brown. (Flood, Christopher) (Entered: 08/03/2007)
08/07/2007	11	FIRST MOTION to Dismiss Information. Document filed by Kevin Brown. (Attachments: # 1 Exhibit Information# 2 Exhibit DOC Acknowledgment# 3 Exhibit CCOP Acknowledgment)(Flood, Christopher) (Entered: 08/07/2007)
08/28/2007	12	MEMORANDUM in Opposition by USA as to Kevin Brown re 11 FIRST MOTION to Dismiss Information.. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E)(Dabbs, Jenna) (Entered: 08/28/2007)
09/12/2007	13	NOTICE OF ATTORNEY APPEARANCE: Peggy M. Cross appearing for Kevin Brown. (Cross, Peggy) (Entered: 09/12/2007)
09/12/2007	14	REPLY MEMORANDUM OF LAW in Support as to Kevin Brown re: 11 FIRST MOTION to Dismiss Information.. (Cross, Peggy) (Entered: 09/12/2007)
10/10/2007		Minute Entry for proceedings held before Judge Harold Baer :Oral Argument as to Kevin Brown held on 10/10/2007 re: 11 FIRST MOTION to Dismiss Information, filed by Kevin Brown. Dft pres w/atty Peggy Cross. AUSA Jenna Dabbs present. Crt rpttr present. Decision reserved. (ja) (Entered: 10/16/2007)
11/14/2007	15	ENDORSED LETTER as to Kevin Brown addressed to Judge Baer from AUSA Jenna M. Dabbs dated 11/13/07 re: submitted to request that the Court schedule an appropriate conference date in this case, and further that time be excluded from today's date until the date of that conference, under the Speedy Trial Act. ENDORSEMENT: We call "under consideration" "sub judice" and I will put it down for a conference on January 3, 2008 and exclude the time until 9:45 AM on that day. (Signed by Judge Harold Baer on 11/14/07)(bw) (Entered: 11/14/2007)
11/29/2007	16	TRANSCRIPT of Proceedings as to Kevin Brown held on 10/10/07 before Judge Judge Harold Baer. (jbe) (Entered: 11/29/2007)
12/13/2007	17	OPINION & ORDEERdenying 11 Motion to Dismiss as to Kevin Brown (1)For the foregoing reasons, defts motion to dismiss the information is denied. The clerk is instructed to close this matter and remove it from my docket. It is so ordered. (See attached opinion & order for full text). (Signed by Judge Harold Baer on 12/12/07) (pr) (Entered: 12/13/2007)

01/03/2008		Minute Entry for proceedings held before Judge Harold Baer: Pretrial Conference as to Kevin Brown held on 1/3/2008, as to Kevin Brown(Jury Trial set for 2/25/2008 at 09:30 AM before Judge Harold Baer.) Deft present with atty Peggy Cross. AUSA Mike Rosenof present. Court reporter present. Trial set for 2/25/08 at 9:30am. Time excluded until 2/25/08. Bail continued as set. (jw) (Entered: 01/07/2008)
02/11/2008		Minute Entry for proceedings held before Judge Harold Baer: Arraignment as to Kevin Brown (1) on Count 1 held on 2/11/2008. Dft present w/atty Peggy Cross. AUSA Jenna Dabbs present. Crt rptpr present. Plea entered by Kevin Brown (1) to Count 1 of Not Guilty. (ja) (Entered: 02/20/2008)
02/11/2008		Minute Entry for proceedings held before Judge Harold Baer: Change of Plea Hearing as to Kevin Brown held on 2/11/2008. Dft Kevin Brown present w/atty Peggy Cross. AUSA Jenna Dabbs present. Crt rptpr present. Dft withdraws plea of not guilty and pleads guilty as charged. Dft's plea of guilty accepted, PSI ordered. (Sentencing set for 5/22/2008 at 10:00 AM before Judge Harold Baer.). Bail cont'd as set. (ja) (Entered: 02/20/2008)
02/11/2008		Change of Not Guilty Plea to Guilty Plea as to Kevin Brown (1) Count 1. (ja) (Entered: 02/20/2008)
02/11/2008		Minute Entry for proceedings held before Judge Harold Baer: Plea entered by Kevin Brown (1) Guilty as to Count 1. (ja) (Entered: 02/20/2008)
02/11/2008		Order of Referral to Probation for Presentence Investigation and Report as to Kevin Brown. (Signed by Judge Harold Baer on 2/11/08)(ja) (Entered: 02/20/2008)
03/18/2008	18	TRANSCRIPT of Proceedings as to Kevin Brown held on 2/11/2008 before Judge Harold Baer. (jp) (Entered: 03/18/2008)
04/17/2008	19	PROBATION FORM PETITION as to Kevin Brown. Petitioning the Court: Request for adjournment of sentence. The Court Orders: Adjournment to 6/26/08 @ 11:30am. Be sure defense counsel and the court get copies well in advance and the AUSA in case memos are being written by them, etc. So Ordered. (Signed by Judge Harold Baer on 4/16/08)(pr) (Entered: 04/17/2008)
04/17/2008		Set/Reset Hearings as to Kevin Brown: Sentencing set for 6/26/2008 at 11:30 AM before Judge Unassigned.. (pr) (Entered: 04/17/2008)
06/25/2008		Minute Entry for proceedings held before Judge Harold Baer: Sentencing held on 6/25/2008 for Kevin Brown (1) Count 1. (jw) (Entered: 06/26/2008)
06/25/2008	20	FILED JUDGMENT IN A CRIMINAL CASE as to Kevin Brown (1), Pleaded guilty to Count(s) 1, Imprisonment for a total term of 6 Months. Supervised release for a term of 1 Year. The defendant shall surrender to the US Marshal for this district at 12:00pm on July 10, 2008. Special Assessment of \$25 which is due immediately. (Signed by Judge Harold Baer on 6/25/08)(jw) (Entered: 06/26/2008)
06/25/2008		Judgment entered in money judgment book as #08,1132 as to Kevin Brown in the amount of \$ 25.00, re: 20 Judgment. (dt) (Entered: 06/30/2008)
06/30/2008	21	AMENDED JUDGMENT as to Kevin Brown (1), Count(s) 1. Imprisonment for a total term of 6 Months. Supervised release for a term of 1 Year. The Court makes the following recommendations to the Bureau of Prisons: The BOP should provide a credit to Mr. Brown from the day of his arrest in New York on 3/19/2007 assuming the arrest was on this charge and the sentence on 6/25/2008 was for the same misdemeanor. The defendant shall surrender to the US Marshal for this district at 12:00pm on July 10, 2008. Special Assessment of \$25 which is due immediately. (Signed by Judge Harold Baer on 6/30/2008)(st) (Entered: 06/30/2008)
07/03/2008	22	NOTICE OF APPEAL by Kevin Brown from 20 Judgment. (nd) (Entered: 07/07/2008)
07/07/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Kevin Brown to US Court of Appeals re: 22 Notice of Appeal - Final Judgment. (nd) (Entered: 07/07/2008)
07/07/2008	23	TRANSCRIPT of Proceedings as to Kevin Brown held on 6/25/08 before Judge Harold Baer. (ama) (Entered: 07/07/2008)
07/14/2008		USCA SCHEDULING ORDER as to Kevin Brown related to 22 Notice of Appeal - Final Judgment filed by Kevin Brown, USCA Case Number 08-3364-cr. Defendant Brief due by 8/29/2008. Government Brief due by 9/29/2008. Appeal Record due by 7/30/2008. (nd) (Entered: 07/14/2008)